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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,729	04/16/2004	Baird M. Smith	PA2627US	8824

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EXAMINER	
NAJARIAN, LENA	
ART UNIT	PAPER NUMBER
3686	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/825,729	SMITH, BAIRD M.	
	Examiner	Art Unit	
	LENA NAJARIAN	3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 4/2/10. Claims 1, 3, 8, and 22 have been amended. Claims 1-26 remain pending.

Specification

2. The objection to the specification is hereby withdrawn due to the amendment filed 4/2/10.

Claim Rejections - 35 USC § 112

3. The rejection of claims 1 and 22, under 35 U.S.C. 112, first paragraph, is hereby withdrawn due to the amendment filed 4/2/10.

Claim Objections

4. Claim 8 is objected to because of the following informalities: there is a typographical error at line 4 (change “lenght" to “length”). Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 9-12, 14-20, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al. (US 2002/0044059 A1) in view of Cairnes (6,139,494).

(A) Referring to claim 1, Reeder discloses an integrated point-of-care system comprising (abstract and para. 2 of Reeder):

a bed structure which includes a mattress and four wheels for supporting the entire body of a patient, the bed structure having a mattress positioned on a support structure for supporting the entire body of the patient (para. 107, para. 122, and Fig. 17 of Reeder);

one or more medical monitoring devices configured to monitor patient information for a patient (para. 12 and para. 87 of Reeder);

one or more medical care devices configured to provide medical care to the patient (para. 14, para. 84, and para. 87 of Reeder);

an interactive computing system configured to receive patient information from the medical monitoring devices, transmit the patient information to a central data repository, interpret the patient information and display the patient information on a display device for health care providers and administrative personnel, transmit control instructions to the medical care devices located with the patient on the structure based on the patient information (para. 12, para. 14, para. 84, para. 86-87, para. 92, para. 134, and para. 150 of Reeder); and

the bed structure being a single mobile unit configured to support the patient's weight, the mattress, the medical monitoring devices, the medical care devices, and the interactive computing system that receives, transmits, interprets, and displays information about the patient and controlling the devices which provide care to the patient (Fig. 23, para. 3, para. 42, para. 99, and para. 107 of Reeder).

Reeder does not disclose generating decision options for providers based on medical logic rules including artificial intelligence, and display decision support research data to enhance provider decision making.

Cairnes discloses generating decision options for providers based on medical logic rules including artificial intelligence, and display decision support research data to enhance provider decision making (col. 15, lines 6-60 and Fig. 13 of Cairnes).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Cairnes within Reeder. The motivation for doing so would have been to recommend customized therapies (col. 7, line 60 – col. 8, line 4 of Cairnes).

(B) Referring to claim 2, Reeder discloses wherein the patient information comprises vital signs of the patient (para. 3 and para. 103 of Reeder).

(C) Referring to claim 3, Reeder discloses wherein the structure comprises a bed mattress and frame configured to support the patient (para. 122, 170, and Fig. 15 of Reeder).

(D) Referring to claim 4, Reeder discloses wherein the medical care device is configured to administer a medication to the patient (para. 121 of Reeder).

(E) Referring to claim 5, Reeder discloses a power supply configured to supply power to the medical care device and the medical monitoring device (para. 14 of Reeder).

(F) Referring to claim 6, Reeder discloses wherein the power supply comprises a battery (para. 123 of Reeder).

(G) Referring to claim 7, Reeder discloses wherein the computing system further comprises a display device configured to display the control instructions or patient information (para. 4 and Fig. 1 of Reeder).

(I) Referring to claim 9, Reeder discloses wherein the computing system further comprises a keyboard (para. 6 of Reeder).

(J) Referring to claim 10, Reeder discloses wherein the communication network is wireless (para. 6 and para. 89 of Reeder).

(K) Referring to claim 11, Reeder discloses wherein the computing system further comprises a memory storage system configured to store the patient information or control instructions (para. 5 of Reeder).

(L) Referring to claim 12, Reeder discloses wherein the computing system further comprises an identification device configured to identify a person (para. 105 of Reeder).

(M) Referring to claim 14, Reeder discloses wherein the identification device comprises a voice recognition device (para. 85 of Reeder).

(N) Referring to clam 15, Reeder discloses wherein the identification device comprises a visual recognition device (para. 134 of Reeder).

(O) Referring to claim 16, Reeder discloses a camera configured to generate a visual image (para. 90 of Reeder).

(P) Referring to claim 17, Reeder discloses wherein the computing system further comprises a barcode reader (para. 6 of Reeder).

(Q) Referring to claim 18, Reeder discloses wherein the computing system further comprises a communication interface configured to communicate with the Internet (para. 90 of Reeder).

(R) Referring to claim 19, Reeder discloses wherein the computing system further comprises a communication interface configured to communicate with a television service provider (para. 115 of Reeder).

(S) Referring to claim 20, Reeder discloses a plurality of wheels mounted on the bottom of the structure to facilitate transport of the patient and the medical devices (Fig. 18 of Reeder).

(T) Referring to claim 22, Reeder discloses a method of operating an integrated point-of-care system comprising the steps of (abstract and para. 2 of Reeder):

supporting the entire body of a patient, a computing system, medical care devices, and medical monitoring devices by using a single structure, the single structure configured to allow the integrated point of care system to operate as a mobile point of

care device as a single unit (para. 87, para. 107, Fig. 23, para. 3, para. 42, and para. 99 of Reeder);

receiving patient information from the medical monitoring device into the computing system (para. 12 of Reeder);

interpreting the received patient information (para. 12 of Reeder);

accepting control instructions from a provider, the instructions to be transmitted to the medical care device through the computing system to provide medical care to the patient based on the patient information (para. 14, para. 84, para. 86-87, para. 92, and para. 134 of Reeder);

transmitting control instructions to medical devices (para. 86-87 of Reeder);

executing therapeutic options (para. 103 of Reeder);

exchanging data between the computing system and a central data repository through a communication network (para. 14, para. 84, and para. 92 of Reeder); and

transporting the patient, the medical monitoring device, the medical care device, and the computing system together using the single structure (Fig. 23, para. 3, para. 42, and para. 99 of Reeder).

Reeder does not disclose applying virtual medical logic based on patient information and research data to generate diagnostic and therapeutic options for providers based on medical logic and providing the decision-making options for display.

Cairnes applying virtual medical logic based on patient information and research data to generate diagnostic and therapeutic options for providers based on medical

logic and providing the decision-making options for display (col. 15, lines 6-60, col. 8, lines 29-45, and Fig. 13 of Cairnes).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Cairnes within Reeder. The motivation for doing so would have been to recommend customized therapies (col. 7, line 60 – col. 8, line 4 of Cairnes).

(U) Referring to claim 23, Reeder discloses the step of displaying the patient information (abstract of Reeder).

(V) Referring to claim 24, Reeder discloses the step of identifying a person authorized to operate the computing system by using an identification device (para. 11 of Reeder).

(W) Referring to claim 25, Reeder discloses the step of identifying the patient by using an identification device (para. 11 of Reeder).

(X) Referring to claim 26, Reeder discloses the step of identifying a medication to be administered to the patient by using an identification device (para. 121 and para. 86 of Reeder).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al. (US 2002/0044059 A1) in view of Cairnes (6,139,494), and further in view of Bui et al. (US 2003/0140928 A1).

(A) Referring to claim 13, Reeder and Cairnes do not disclose wherein the identification device comprises a fingerprint recognition device.

Bui discloses wherein the identification device comprises a fingerprint recognition device (para. 22, para. 125, and para. 128 of Bui).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Bui within Reeder and Cairnes. The motivation for doing so would have been to determine unique physical characteristics in order to provide security (para. 125 of Bui).

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al. (US 2002/0044059 A1) in view of Cairnes (6,139,494), and further in view of Kramer et al. (US 2002/0014951 A1).

(A) Referring to claim 21, Reeder and Cairnes do not disclose a radiant warming device mounted on the structure to warm the patient.

Kramer discloses a radiant warming device mounted on the structure to warm the patient (para. 63 of Kramer).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned feature of Kramer within Reeder and Cairnes. The motivation for doing so would have been to accommodate the patients' needs (para. 63 of Kramer).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al. (US 2002/0044059 A1) in view of Cairnes (6,139,494), and further in view of *Official Notice*.

(A) Referring to claim 8, Reeder discloses wherein the display device comprises a flat-screen touch panel configured to allow user input for controlling the operation of the medical care device or the medical monitoring device (para. 85 and para. 95 of Reeder).

Reeder and Cairnes do not expressly disclose the display device having a screen size of at least seventeen inches in length.

The Examiner takes *Official Notice* that it is well-known for a display device to have a screen of seventeen inches in length.

It would have been obvious to one of ordinary skill in the art at the time of the invention, to have a screen of at least seventeen inches in length with the motivation of having an optimal view of the information.

Response to Arguments

10. Applicant's arguments filed 4/2/10 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 4/2/10.

(1) Applicant argues that Reeder discloses that the bed and the structure that monitors the patient are two separate devices.

(A) As per the first argument, the Examiner respectfully submits that the claim language does not recite that there is only one device. The claim language recites that a bed structure is *configured to support* the patient, mattress, medical monitoring device, medical care devices, and an interactive computing system. As such, the broadest reasonable interpretation of "configured to support" would include the computer system coupled to a bed along with other monitors and devices disclosed in Reeder (see para. 107 and Fig. 15 of Reeder).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a device for transportation of patients (6,205,601); and medical accessory support (US 2002/0047075 A1).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENA NAJARIAN whose telephone number is (571) 272-7072. The examiner can normally be reached on Monday - Friday, 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/L. N./
Examiner, Art Unit 3686
ln
6/3/10

/Gerald J. O'Connor/
Supervisory Patent Examiner
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